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# LETTER DATED 9 AUGUST 1991 FROM THE PERMANENT REPRESENTATIVE OF CANADA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

In response to your note SCPC/7/91(4-1) of 3 July 1991, I have the honour to provide the following information regarding the measures taken by the Government of Canada to implement paragraph 4 of Security Council resolution 700 (1991).

(Signed) L. Yves FORTIER, C.C., Q.C.
Ambassador and
Permanent Representative

Annex

Measures taken by the Government of Canada on the implementation of paragraph 24 of resolution 687 (1991)

Paragraph 4 of resolution 700 (1991) of 17 June 1991, requests all States, in accordance with paragraph 8 of the Guidelines, to report to the Secretary-General, on the measures instituted for meeting the obligations set out in paragraph 24 of Security Council resolution 687 (1991). The Government of Canada meets its international obligations pursuant to various Security Council resolutions through the provisions of the United Nations Iraq Regulations (UNIR) made pursuant to Section 2 of the United Nations Act, R.S.C.1985, c. U-2. The Export and Import Permits Act also contains provisions applicable to items identified in paragraph 24 of resolution 687 (1991) and prevents such items from being exported to Iraq.

The UNIR were put in place by Order in Council P.C. 1990-1676 of 7 August 1990 to give effect to resolution 661 (1990) of 6 August 1990. The UNIR were amended by Order in Council P.C. 1990-2158 of 1 October 1990, to give effect to resolution 670 (1990) of 25 September 1990 and further amended by Order in Council P.C. 1991-431 of 6 March 1991 to give effect to resolution 686 (1991) of 2 March 1991. Copies of the relevant legislation and of the UNIR are attached.*

The UNIR as amended:

- impose an embargo on the export of goods to Iraq;
- impose an embargo on the import of goods originating in Iraq that are exported therefrom after 6 August 1990;
- prevent the sale or supply of all goods originating in Iraq that are exported therefrom after 6 August 1990;
- prevent the sale or supply of goods to Iraq;
- freeze Iraqi government assets;
- prevent all Canadians from entering into financial transactions with Iraqi interests;
- prohibit an operator of an aircraft registered in Canada from carrying goods to and from Iraq;

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* Copies of the legislation may be consulted in room S-3520.

- prohibit any person in Canada from operating an aircraft with the knowledge that it is intended that the aircraft concerned will be used to carry goods to and from Iraq;

- prohibit the overflight of Canada by any aircraft that is destined to land in Iraq, unless the aircraft was inspected and it was verified that no goods were being carried on board in contravention of the implementing measures adopted by Member States to give effect to United Nations Security Council resolutions 661 (1990) and 670 (1990); and

- prohibit the entry into Canadian ports of ships registered in Iraq that are or have been used in contravention of the measures against Iraq of United Nations Security Council resolutions 661 (1990) and 670 (1990), except in emergency situations to safeguard human life, and should any such Iraqi ships enter a Canadian port, order the detaining of such ships.

Section 8 of the UNIR provides that every person who contravenes any provision of the UNIR is guilty of an offence and liable to fines or/and imprisonment. Officers, directors or agents of a corporation that is subject to the UNIR are liable if they are involved in the commission of an offence by the corporation.

Subsection 3(2) of the United Nations Act provides that any goods, wares or merchandise dealt with contrary to any order or regulation made under its authority may be seized and detained and are liable to forfeiture at the instance of the Minister of Justice of Canada, on proceedings in the competent court.

Pursuant to section 9 of the UNIR, acts or things that would otherwise constitute an offence are not prohibited if the Secretary of State for External Affairs certifies in advance that:

"(a) the Security Council Resolutions do not intend that such acts or things be prohibited, or

(b) such acts or things have been approved by the United Nations Security Council or the Committee of the Security Council established by United Nations Security Council Resolution 661 (1990) of August 6, 1990."

On the basis of the decision of 22 March 1991, of the Committee of the Security Council, which made a general determination that humanitarian circumstances apply with respect to the entire civilian population of Iraq in all parts of Iraq's national territory and accordingly decided to authorize the supply of foodstuffs to Iraq on a simple notification procedure, the Secretary of State for External Affairs, pursuant to section 9 of the UNIR, on 27 March 1991, issued a General certificate authorizing the following acts with respect of donations of foodstuffs and medical supplies to Iraq: export, transport, shipment or transshipment, carriage by a Canadian ship, carriage by

an aircraft registered in Canada, or carriage by an aircraft operated over the territory of Canada, subject to the prior notification procedure. Since 27 March 1991, proposals for commercial sales of foodstuffs and medical supplies to Iraq are considered on a case-by-case basis. This applies to sales or supply of materials and supplies for essential civilian or humanitarian needs, and related financial transactions, as approved by the Committee under the simplified and accelerated "no-objections" procedure. This decision of the Committee was confirmed by paragraph 20 of resolution 687 (1991) of 3 April 1991.

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